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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,783	12/22/1998	PEGGY M. STUMER	98-P-7977-US	2633

7590

12/14/2006

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/218,783

Applicant(s)

STUMER ET AL.

Examiner

Thjuan P. Knowlin

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on September 25, 2006 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-27 are still pending in this application, with claims 1, 9, 12, 15, 22, and 27 being independent.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky (US 6,229,888), in view of Grunsted et al (US 6,192,123).

4. In regards to claims 1, 9, 12, 15, 16, 17, 18, 21, 22, 23, 24, and 27, Miloslavsky discloses a group pickup system (See Fig. 2, call center 162, and call center 180) and method in a communication network (See Fig. 2) having one or more servers (See Fig. 2, CTI server 170, and CTI server 184), comprising: one or more call group locations associated with different ones of said one or more servers (See col. 1 lines 12-14, col. 2 lines 15-19, and col. 4-5 lines 66-7); an invite request unit to invoke the group pickup system (See col. 2 lines 38-49 and col. 8 lines 17-31); a group pickup request unit responsive to said invite request unit to establish a connection to a group pickup destination (See Fig. 2 and call center 180) to enable a caller station to be picked up

from said destination, said destination comprising any of said one or more group locations and selected responsive to one of an alerting group member location and a responding group member location; and a retrieval request unit to connect a call pickup system station with said caller station (See col. 2 lines 38-60 and col. 8 lines 17-40).

Miloslavsky, however, does not disclose each of said one or more servers including call group lists of members for each call group, said each call group having listed members from said one or more call group locations. Grunsted, however, does disclose each of said one or more servers (See Fig. 2 and web server 210) including call group lists (e.g., phone lists and conference call groups) of members for each call group, said each call group having listed members (e.g., persons listed in the conference call group) from said one or more call group locations (See col. 4 lines 20-33 and col. 6 lines 18-43).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within system, as a way of making easier to make conference calls to the same group. This would improve the systems storage, as well as eliminate the need for a user to dial each telephone number for a group every time that he or she wishes to make a conference call.

5. In regards to claims 2, 10, 13, and 25, Miloslavsky discloses the system and method, further including an exception handler adapted to handle failures (e.g., traffic, busy, no answer) in the group pickup system (See Abstract and col. 4 lines 24-30).

6. In regards to claims 3, 11, 14, and 26, Miloslavsky discloses all of claims 3, 11, and 26 limitations, except the system and method, wherein said one or more servers is a plurality of servers, ones of said plurality being capable of controlling call service

functions on others of said plurality of servers, and wherein a call pickup party may be located on any server within the network. Grunsted, however, discloses the system and method, wherein said one or more servers is a plurality of servers, ones of said plurality being capable of controlling call service functions on others of said plurality of servers, and wherein a call pickup party may be located on any server within the network (See col. 4 lines 20-33 and col. 6 lines 18-43).

7. In regards to claim 4, Miloslavsky discloses the system, wherein a parked caller may be picked up from any server within the network (See col. 2 lines 38-49 and col. 8 lines 17-31).

8. In regards to claim 5, Miloslavsky discloses the system, wherein said network failure may include excessive network congestion (See Abstract and col. 4 lines 24-30).

9. In regards to claim 6, Miloslavsky discloses the system, wherein said network failure may include a vacant number (e.g. whether an agent is available or active) (See col. 5 lines 12-19 and col. 5 lines 54-67).

10. In regards to claim 7, Miloslavsky discloses the system, wherein said network failure may include no route to destination (See col. 4 lines 24-30 and col. 5 lines 12-19).

11. In regards to claims 8, 19, and 20, Miloslavsky discloses the system, wherein said user selectable park location is said destination's background task (See col. 4 lines 31-45).

Response to Arguments

12. Applicant's arguments filed 09/25/06 have been fully considered but they are not persuasive. Applicants argue that neither is either of a conference call function or the Grunsted et al "call me now" function anything that would allow answering calls to listed members by other listed member stations, and therefore, since providing Miloslavsky with the Grunsted et al "call me now" function or with ability to make conference calls, does not allow that calls to listed members be answered by other listed members. Applicants further argue that the Grunsted et al "call me now" function, wherein a customer initiates connections between that customer and another party, does not involve a call pickup party, wherein calls to listed members can be answered by other listed member stations and wherein a call pickup party may be located on any server within the network.

13. In regards to the above arguments, Applicants appear to be arguing the references individually. In response to applicants' arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

14. In regards to Applicants' argument regarding that neither is either of a conference call function or the Grunsted et al "call me now" function anything that would allow answering calls to listed members by other listed member stations, and therefore, since providing Miloslavsky with the Grunsted et al "call me now" function or with ability to

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make conference calls, does not allow that calls to listed members be answered by other listed members, Examiner would like to bring to Applicants' attention that Grunsted et al was not used to teach or disclose this limitation. Miloslavsky was used to teach and disclose the above limitation (See Miloslavsky, col. 2 lines 38-60 and col. 8 lines 17-40).

15. In regards to Applicants' argument regarding that the Grunsted et al "call me now" function, wherein a customer initiates connections between that customer and another party, does not involve a call pickup party, wherein calls to listed members can be answered by other listed member stations and wherein a call pickup party may be located on any server within the network, Examiner would like to bring to Applicants' attention that Grunsted et al was not used to teach or disclose this limitation. Miloslavsky was used to teach and disclose the above limitation (See Miloslavsky, col. 1 lines 12-14, col. 2 lines 15-19, and col. 4-5 lines 66-7).

16. Therefore, by merely stating that the combination of Grunsted et al and Miloslavsky does not result in the present invention, and that providing Miloslavsky with the Grunsted et al "call me now" function or with ability to make conference calls, does not result in the present invention, does not prove that *prima facie* obviousness has not been established.

Conclusion

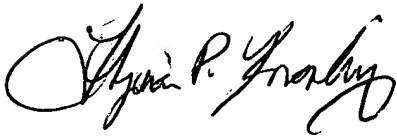
17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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